

REMARKS

Claims 1-8, 23-29, and 35-41 are pending, with claims 1, 3, and 23 being independent.

Claims 3 and 23 have been amended to correct informalities. No new matter has been added.

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1, 3, 4, 6, 7, 23, 25, 28, 36, 37, 39, and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2005/0132083 to Raciborski et al. (“Raciborski”) in view of U.S. Pub. No. 2003/0028899 to MacInnis et al. (“MacInnis”). Claims 5, 26, and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Raciborski in view of MacInnis and in further view of U.S. Pat. No. 5,586,260 to Hu. Claims 8, 27, 38, and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Raciborski in view of U.S. Pat. No. 6,006,034 to Heath et al. (“Heath”) and in further view of Hu. Claim 29 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Raciborski in view of MacInnis and in further view of U.S. Pat. No. 7,233,981 to Tenereillo et al. (“Tenereillo”). Claims 2, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Raciborski in view of MacInnis and in further view of U.S. Pub. No. 2003/0135650 to Kano et al. (“Kano”). These contentions are respectfully traversed.

Independent claim 1 recites, “receiving, at a server, a request from a client to take an action with respect to an electronic document; retrieving a document identifier from the request; determining whether user authentication is needed based on the document identifier and the action; subsequent to retrieving the document identifier, sending information specifying an acceptable authentication procedure; receiving an authentication procedure update request from

the client in response to client processing of the information specifying an acceptable authentication procedure; obtaining, at the server and in response to the authentication procedure update request, a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the authentication procedure; and sending the software program to the client for use in identifying a current user and controlling the action with respect to the electronic document based on the current user and document-permissions information associated with the electronic document.”<sup>1</sup> The cited art fails to teach or suggest this claimed subject matter.

With respect to the operations of determining, obtaining and sending the software program to the client for use in identifying a current user, as recited in claim 1, the Office cites to paragraphs [0020], [0032], [0033], [0035], and [0036] of Raciborski as allegedly teaching this subject matter.<sup>2</sup> However, the authentication referred to here in Raciborski relates to authentication of the program, not a user, as recited in claim 1.<sup>3</sup> Raciborski explicitly states that:

Authentication information 312 embedded in the download manager program 300-1 can be used by the download manager software 304 to authenticate the customized XML 308 and download manager software 304. Any tampering or modification could be found by the download manager in this manner. The authentication information 312 could be a CRC, signature or hash of customized XML 308 and download manager software 304. In another embodiment, the authentication information is only generated over the customized XML 308.<sup>4</sup>

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<sup>1</sup> Emphasis added.

<sup>2</sup> See 4-30-2009 Office Action at pages 3-5.

<sup>3</sup> See e.g., Raciborski at ¶ [0020].

<sup>4</sup> See Raciborski at ¶ [0035].

Thus, it is clear that Raciborski is describing authentication of software and associated XML data, not authentication of a user, as stated in claim 1.

Moreover, although Raciborski does state that the customized XML can store a password, and the download manager program “may check the password”, Raciborski does not describe that the download manager program actually includes instructions operable to cause one or more data processing apparatus to perform operations effecting an authentication procedure for use in identifying a current user.<sup>5</sup> Thus, Raciborski does not describe sending a user authentication program as claimed. Since MacInnis fails to cure this deficiency of Raciborski, the rejection of claim 1 should be withdrawn for at least this reason.

In addition, claim 1 recites, “...sending information specifying an acceptable authentication procedure; receiving an authentication procedure update request from the client in response to client processing of the information specifying an acceptable authentication procedure ...”<sup>6</sup> The Office asserts that MacInnis teaches this subject matter in paragraph [0012].<sup>7</sup> However, it should be noted that the software being updated in MacInnis does not include an authentication procedure. In addition, the Office admits that MacInnis does not teach a request for descriptors being received from the client, but goes on to suggest that this would be obvious in view paragraph [0007] in MacInnis, which describes downloading schemes involving client-server paradigms.<sup>8</sup> However, paragraph [0007] in MacInnis is in the background section

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<sup>5</sup> See Raciborski at ¶s [0041] and [0043].

<sup>6</sup> Emphasis added.

<sup>7</sup> See 4-30-2009 Office Action at pages 3-4.

<sup>8</sup> See 4-30-2009 Office Action at pages 3-4.

and is describing prior art that MacInnis does not in fact use. Rather, the explicit objective in MacInnis is to not have the client need to send a request:

The present invention solves the aforementioned problems by providing a system and method for selectively downloading software and data modules to terminals in a network without requiring communication between the terminal and the downloading source.<sup>9</sup>

Thus, MacInnis actually teaches away from the combination proposed by the Office, and the proposed combination cannot be made to render the claimed subject matter unpatentable.

For all of the above reasons, independent claim 1 should be in condition for allowance.

Neither Hu, Heath, Tenereillo nor Kano cure the noted deficiencies of Raciborski and MacInnis. Thus, dependent claims 2 and 4-8 should be allowable based on the above arguments and the additional recitations they contain.

Independent claim 3 recites, “receiving, at a server, a request from a client to take an action with respect to an electronic document; obtaining, at the server and in response to the request, a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the authentication procedure; sending the software program to the client for use in identifying a current user and controlling the action with respect to the electronic document based on the current user and document-permissions information associated with the electronic document; receiving an updated authentication procedure; receiving a subsequent request from the client to take the action with respect to the electronic document; obtaining, at the server and in response to the subsequent request, a new

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<sup>9</sup> See MacInnis at ¶ [0011].

software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the updated authentication procedure; and sending the new software program to the client for use in identifying the current user and controlling the action with respect to the electronic document based on the current user and the document- permissions information associated with the electronic document.”<sup>10</sup> Thus, independent claim 3 should be in condition for allowance for at least reasons similar to those addressed above with respect to claim 1.

Independent claim 23 recites, “a client that sends an authentication procedure update request to a server in response to client processing of information received from the server, wherein the information received from the server specifies one or more acceptable authentication procedures; the server that receives the authentication procedure update request, and in response to the client, the server obtains and sends a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting an authentication procedure; and wherein the client uses the software program to identify the current user and control an action with respect to an electronic document based on the current user and document- permissions information associated with the electronic document, and wherein the action comprises an action taken with respect to the electronic document subsequent to opening the electronic document at the client.”<sup>11</sup> Thus, independent claim 23 should be in condition for allowance for at least reasons similar to those addressed above with respect to claim 1.

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<sup>10</sup> Emphasis added.

<sup>11</sup> Emphasis added.

Moreover, dependent claims 24-29 and 35-41 should be allowable based on the above arguments and the additional recitations they contain.

CONCLUSION

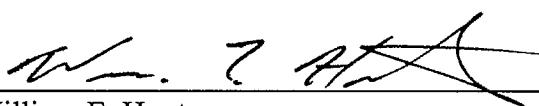
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

A formal notice of allowance is respectfully requested. Absent this, a telephone interview with the Examiner and the Examiner's supervisor is respectfully requested.

Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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